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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re T.S., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

T.S.,

Defendant and Appellant.

E058837

(Super.Ct.No. J248908)

OPINION

APPEAL from the Superior Court of San Bernardino County. Barbara A.  
Buchholz, Judge. Affirmed.

Arielle Bases, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

A juvenile wardship petition was filed in San Bernardino County, alleging that  
defendant and appellant T.S. (minor) committed battery with serious bodily injury (Pen.

Code, § 243, subd. (d), count 1) and assault by means likely to produce great bodily injury, a felony (Pen. Code, § 245, subd. (a)(4), count 2). A juvenile court found the battery allegation to be not true, but found the assault allegation in count 2 to be true. Minor moved to reduce the assault to a misdemeanor under Penal Code section 17, subdivision (b), but the court declined and stated that it would consider it upon successful completion of probation. The court held a disposition hearing and declared minor a ward and placed him in the custody of his mother on specified terms of probation. The court found that the assault offense fell within the provisions of Penal Code section 296 and ordered minor to provide a DNA sample.<sup>1</sup> It also revoked minor's driving privileges pursuant to Vehicle Code section 13350.

Minor filed a timely notice of appeal regarding the jurisdiction and disposition orders. We affirm.

#### FACTUAL AND PROCEDURAL BACKGROUND

On April 16, 2013, a Welfare and Institutions Code section 602 petition was filed, alleging that minor committed battery with serious bodily injury (Pen. Code, § 243, subd. (d), count 1) and assault by means likely to produce great bodily injury, a felony (Pen. Code, § 245, subd. (a)(4)). The court held a jurisdiction hearing at which the victim, who was 16 years old at the time, testified that minor was her ex-boyfriend. She further testified that she was walking to her friend's house one night, when minor drove

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<sup>1</sup> Penal Code section 296 applies to "any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense." (Pen. Code, § 296, subd. (a)(1).)

past her and texted her. She walked to his apartment building and met him in the parking lot. She got into his car, and they talked about their relationship. She then snuck into his apartment and stayed the night. Minor's mother and sister were home. Minor and the victim woke up at around 1:00 p.m. the next day. Minor made sure that his mother and sister were in another room, and then he and the victim left the apartment. They got into his car, and minor became angry with her regarding a text message that had been deleted. Minor hit the victim in the nose with a closed fist, and her nose started bleeding. She tried to get out of the car, but he pulled her back by her hair. He hit her again on the cheek bone, and then drove her home. Minor let her out of the car close to her house, and her little brother was there. Her brother called their mother, and the mother called the police. The victim further testified that minor had hit her on four previous occasions. She described three of those incidents.

The police officer who responded to the call also testified at the hearing. He stated that, upon arrival at the victim's home, he observed that the victim was distraught and upset, and that she had visible injuries and dried blood on her hand and face. The victim's nose was red, swollen, and bloody, and the area just below her eye was red and swollen. The officer testified that the injuries were consistent with a punch to the face. After speaking to the victim and her mother, the officer determined that minor was the primary aggressor. The officer directed other officers to go to minor's house. They found him there and arrested him.

Minor testified at the hearing, as well. He denied ever hitting or pushing the victim.

After hearing the testimonies, the court found the assault by means likely to produce great bodily injury allegation to be true.

### ANALYSIS

Minor appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case and two potential arguable issues: (1) whether the court properly exercised its discretion and determined that the assault offense was a felony in accordance with the law; and (2) whether the court erred by admitting evidence of prior incidents of domestic violence, despite minor's objection that he was not given proper notice. Counsel has also requested this court to undertake a review of the entire record.

We offered minor an opportunity to file a personal supplemental brief, which he has not done. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST  
J.

We concur:

RAMIREZ  
P. J.

KING  
J.